

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

January 4, 2010 – 4:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Carl Ford, Chairman
Chad Mitchell, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Tina Hall, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Ford convened the meeting at 4:00 pm.

Commissioner Barber provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the minutes of the December 7, 2009 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Hall requested to pull Consent Agenda item B (Approval of Salary Range for Rowan County Sheriff) and item I (Acceptance of County Manager's Update on Proposed Jail Annex Sites) for discussion.

Chairman Ford moved the topics to agenda items #8a and #8b respectively.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Barber moved approval of the Consent Agenda. The motion was seconded by Commissioner Coltrain and passed unanimously.

The Consent Agenda consisted of the following items:

- A. Approval of Proclamation Establishing January 18, 2010 As Dr. Martin Luther King, Jr. Day in Rowan County
- B. Approval of Salary Range for Rowan County Sheriff (moved to agenda item #8a for discussion)
- C. Approval to Award Service Sidearm to Retiring Deputy Larry Harwood
- D. Approval of Proclamation for Boys Scouts of America 100th Anniversary
- E. Approval of Policies, Procedures, Plans, Resolutions and Ordinances for CDBG-R Emergency Repair Funds
- F. Approval of Resolution Levying An Additional One-Quarter Cent (1/4¢) Sales and Use Tax
- G. Acceptance of Community Child Protection Team Annual Report
- H. Acceptance of NCDOT 2009 Secondary Roads Report
- I. Acceptance of County Manager's Update on Proposed Jail Annex Sites (moved to agenda item #8b for discussion)

2. PUBLIC COMMENT PERIOD

Chairman Ford opened the Public Comment Period to entertain comments from any citizens wishing to address the Board.

With no one wishing to address the Board, Chairman Ford closed the Public Comment Period.

3. PUBLIC HEARING FOR PROPOSED TEXT AMENDMENTS TO ROWAN COUNTY ADMINISTRATION ORDINANCE

Chairman Ford described several of the proposed text amendments as a matter of "housekeeping" due to a resolution the Board had passed in 2007. Chairman Ford said the other proposed text amendments were due to suggestions from Commissioner Mitchell.

Chairman Ford highlighted the proposed text changes and then opened the public hearing to receive public comments regarding the proposed text amendments to the Rowan County Administration Ordinance.

With no one wishing to address the Board, Chairman Ford closed the public hearing.

Commissioner Coltrain referenced rule #9 in the third edition of the *Suggested Rules of Procedures for the Board of County Commissioners*. Commissioner Coltrain pointed out in this edition, the clerk to the board shall prepare the agenda for each regular, special and emergency meeting instead of the Chairman having the sole responsibility. Commissioner Coltrain said, "It also

states that any board member may by a timely request have an item placed on the agenda". Commissioner Coltrain felt that all board members had been elected to serve and to bring up topics that might be of benefit. Commissioner Coltrain said he had a problem with one (1) individual having the sole responsibility and latitude to determine what would be discussed by the Board.

Commissioner Coltrain also referenced rule #12, which described the powers of the chairman. Commissioner Coltrain said the rules did not state the chairman was responsible for the topics to be discussed at meetings.

Commissioner Coltrain mentioned the Public Comment Period and said he was hesitant to limit people in their opportunity to address the Board and that he preferred to leave the text: "When the time set aside for informal public comments has expired, the chairman will recognize further speakers only upon motion duly made and adopted".

Commissioner Coltrain concluded by saying he was not in favor of the text amendments as proposed.

Commissioner Mitchell moved approval of the recommended changes. When the motion did not receive a second, Commissioner Mitchell explained that his motion was to put the changes "on the table" in order to begin further discussion.

Commissioner Hall said she had misunderstood the motion and she then seconded the motion.

County Attorney Jay Dees said the motion was to accept the changes as presented and he clarified that Commissioner Mitchell had made the motion in order to get the text amendments to the discussion stage. Mr. Dees said friendly amendments could be offered for consideration and voted up or down.

Commissioner Hall repeated her second to the motion and Chairman Ford opened the floor for further discussion.

Commissioner Mitchell moved to amend the proposal by unstriking the sentence: "When the time set aside for informal public comments has expired, the chairman will recognize further speakers only upon motion duly made and adopted." The motion was seconded by Commissioner Hall and passed unanimously.

Commissioner Mitchell drew attention to the fact that no one had the authority other than the Board to set the agenda. Commissioner Mitchell said the proposed text would allow the chairman to prepare the agenda as opposed to the clerk. Commissioner Mitchell said, "My concern and my recommended change to have the chairman be the person who prepares the agenda is the fact that it puts the clerk into a horrible position when an agenda item comes forward and it has no supporting documentation. The Clerk, being our employee, certainly

does not feel to be in a position to say, 'No, I am not placing that on the agenda'." Commissioner Mitchell said providing for the chairman to prepare the agenda allowed the Board's current rule to be followed, and the chairman did not have the latitude to place something on the agenda that did not have the supporting documentation. Commissioner Mitchell said there were often times the Board received agenda packets that did not have supporting documentation and the supporting materials were either emailed or distributed at the meetings. Commissioner Mitchell stressed the point was to receive supporting documentation before an item was placed on the agenda in order for the information to be placed in the agenda packets. Commissioner Mitchell said, "I think the only person who can reasonably do that is the chairman."

Commissioner Coltrain agreed with Commissioner Mitchell as long as the chairman was not given the latitude to decide whether or not an item was put on the agenda. Commissioner Mitchell stressed that the Board sets the final agenda.

Commissioner Coltrain said, "If I have an item I want to be put on the agenda and he (the Chairman) says it's not worth it, why should we have to come out here and go through that process when I feel definitely that it is something that should be brought before the people."

Commissioner Mitchell responded by saying, "Get two (2) other people to agree with you and it could be talked about."

Commissioner Coltrain said, "That is a process that I don't agree that we should have to go through, with respect."

Commissioner Hall agreed the Board should receive supporting documentation ahead of time in order to be prepared for discussion. Commissioner Hall said she would like to add text in which the chairman would give priority to items requiring board action to be placed on the next agenda.

Discussion ensued regarding the agenda deadline and priority being given to agenda items requiring board action. Commissioner Hall moved as follows: "The chairman of the board will be setting the agenda. A request to have an item of business placed on the agenda for a regular meeting must be received by the chairman of the board, and again I guess this goes back to the second Friday prior to the meeting. Any board member may, by a timely request, have an item placed on the agenda. Only the board member who proposes the item can withdraw the item before the agenda is finalized. Staff requests for agenda items must be approved by the manager. The chairman will give priority to items requiring board action to be placed on the next agenda".

Commissioner Mitchell seconded the motion and recommended that the sentence beginning with "only" and ending with "finalized" remain stricken.

Commissioner Mitchell said it might be the chairman's decision, based on the timeliness of the meeting, to determine if a topic was delayed for discussion.

Commissioner Coltrain felt the chairman should not voluntarily pull an item off the agenda without interaction with the commissioner who submitted the topic for discussion. Commissioner Coltrain said there should be cooperation between the chairman and board members when delaying topics to a future meeting.

Chairman Ford said if he were to consider taking an item off the agenda it would be due to the fact that it had already recently been discussed, or, due to the item being a non-action item. Chairman Ford said as Chairman, there may be a few times when he would call a commissioner to suggest moving an item to another meeting in order to obtain more information, etc.

Commissioner Coltrain felt the text should be left in the ordinance, which stated, "Only the board member who proposes the item can withdraw the item before the agenda is finalized."

Commissioner Barber agreed with Commissioner Coltrain's suggestion. Commissioner Barber also said he agreed with the proposed suggestions by Commissioner Hall.

Commissioner Mitchell said to leave the text as suggested by Commissioner Coltrain, "in effect, just gives us the status quo". Commissioner Mitchell said when an agenda appeared to be three to four hours, leaving the text would allow the Chairman to put agenda items in order but provided no authority as to when items would be scheduled for discussion.

After further discussion, Commissioner Hall amended the motion to strike the sentence, "Only the board member who proposes the item can withdraw the item before the agenda is finalized". Commissioner Mitchell said his second stood for the amendment.

Commissioner Mitchell said another change was for agenda topics to be received by the "Chairman of the Board by 5:00 p.m." Commissioner Mitchell said sending agenda topics to the chairman allowed for the dialogue between board members to begin.

Commissioner Coltrain pointed out that the chairman was not always in the office and he questioned using the clerk to assist in submitting information to the chairman. Commissioner Mitchell said he did not see a problem in giving the information to the clerk and he suggested that board members email the chairman to advise that the clerk had the information and to also discuss when the topic might be scheduled. Commissioner Coltrain responded by saying, "I am fine with that".

Chairman Ford asked if there was further discussion on Section 2-209 (a). With no further discussion, the motion passed unanimously.

After a brief discussion regarding Section 2-209 (b), Commissioner Hall moved approval of item (b) as it read. The motion was seconded by Commissioner Mitchell and passed unanimously.

Chairman Ford read Section 2-209 (c) and asked if there were any changes.

Commissioner Mitchell said by normal procedure, the Board deleted agenda items by a majority vote. Commissioner Mitchell suggested adding the change.

Chairman Ford said the board may, by majority vote, add or remove an item not on the agenda.

Commissioner Mitchell moved item (c) with the change. The motion was seconded by Commissioner Hall and passed unanimously.

Chairman Ford pointed out the strikethroughs in Section 2-211 for items 3 and 4.

Commissioner Mitchell discussed the process for presentation of reports to the Board. Commissioner Mitchell said he felt the process would work better if the Board created a "reports" section. Commissioner Mitchell recommended adding a section for reports that could be approved by a single motion and would require a majority vote to pull a report for discussion.

Chairman Ford noted there were mandated reports that required Board acceptance.

Commissioner Mitchell agreed that there were groups who were required to make reports to the Board. Commissioner Mitchell again explained that reports could be listed under the "reports" section and approved by one motion. Commissioner Mitchell used the annual audit report as an example of an item that could be pulled for discussion by a majority vote.

Commissioner Mitchell moved to change item #6 (under Section 2-211) to state "Reports" and to strike item #7 (Unfinished business) and #9 (Other new business). The motion was seconded by Commissioner Barber.

Commissioner Barber said there were several counties that already listed reports under specific sections on their agendas.

Upon being put to a vote, the amendment passed unanimously.

Chairman Ford referred to the entire document and the motion on the floor to accept the changes. Upon being put to a vote, the motion to approve the document passed unanimously.

The text amendments were approved as follows, with the additions in bold/red and the deleted text appearing as strikethroughs:

ARTICLE III. BOARD OF COMMISSIONERS; RULES OF ORDER*

Sec. 2-209. Agenda.

- (a) The **Chairman of the Board of Commissioners** ~~clerk~~ shall prepare the agenda for each regular, special and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received **by the** Chairman of **the Board by 5:00 p.m. at least three (3) working days the second Friday prior to before** the meeting. Any board member may, by a timely request, have an item placed on the agenda. ~~Only the board member who proposes the item can withdraw the item before the agenda is finalized.~~ Staff requests for agenda items must be approved by the manager. **The Chairman** will give priority to items **requiring Board action** to be placed **on the agenda.**
- (b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. **The Chairman shall not place items on the agenda if the only supporting documentation is a memorandum and it is apparent that additional information is necessary for Board action.** A copy of the agenda packet shall be ~~delivered~~ **made available** to each board member ~~at least twenty-four (24) hours~~ **the Wednesday prior to before** the meeting. Documents in the agenda packet, if not previously available for public inspection, shall become so when packets have been delivered to each board member or left at his or her usual dwelling.
- (c) The board may, by majority vote, add an item not on the agenda, **or remove items from the agenda.**

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(Ord. of 4-1-91, Rule 9)

Sec. 2-210. Informal public comments.

The clerk shall include on the agenda of each regular meeting at least ~~thirty (30)~~ **fifteen (15)** minutes for comments or questions from the public in attendance. **Citizens wishing to address the Board will register on a sign-up sheet available with the Clerk. The sign-up sheet will be available thirty (30) minutes before the start of the meeting; no one will be allowed to have his/her name placed on the list by telephone request to staff. Comments will be limited to three (3) minutes.** The chairman will ~~first~~ recognize individuals ~~or groups having made appointments to be heard in the order in which they signed up~~ and then may recognize others, subject to available time. ~~The chairman may specify the time allotted to each speaker.~~ When the time set aside for informal public comment has expired, the chairman will recognize further speakers only upon motion duly made and adopted. **If the time period expires before all persons who**

have signed up get to speak, those names will be carried over to the next Public Comment Period.

(Ord. of 4-1-91, Rule 10)

Sec. 2-211. Order of business.

At regular meetings, the board shall proceed to business in the following order:

- (1) Approval of the minutes of the previous meeting.
- (2) Approval of the agenda.
- (3) ~~Scheduled public hearings~~ Informal public comments.
- (4) ~~Informal public comments~~ Scheduled public hearings.
- (5) Administrative reports.
- (6) ~~Committee R~~ reports.
- (7) ~~Unfinished business.~~
- (8) Introduction of ordinances, resolutions and orders.
- (9) ~~Other new business.~~

Without objection, the chairman may call items in any order most convenient for the dispatch of business.

4. CONSIDER APPROVAL OF TEMP 01-09

Senior Planner Shane Stewart presented the staff report and a power point presentation regarding TEMP 01-09. Mr. Stewart said the Board of Commissioners had approved a request from McCarthy Improvement Company for a temporary concrete batch plant at 1215 Long Ferry Road east of the interchange with I-85. The temporary plant was operational from September 2005 to June 2007 supplying concrete for the I-85 widening project.

Mr. Stewart said Chandler Concrete submitted a request to operate a temporary mobile concrete batch plant at 1215 Long Ferry Road to supply concrete for site improvements at Duke Energy's Buck Plant. The site would operate approximately ten (10) hours per day six (6) days per week from January 2010 through January 2012. Mr. Stewart said a portion of the property was located in the Town of Spencer's extraterritorial jurisdiction (ETJ); however, the operation was exempt from Spencer's local ordinances.

Mr. Stewart said Staff recommended approval of the request subject to the NCDOT permit and the removal bond.

Chairman Ford opened the floor to receive comments from the applicant or any citizens regarding the request.

Commissioner Mitchell moved approval of TEMP 01-09 subject to the removal bond and driveway permit. The motion was seconded by Commissioner Coltrain and passed unanimously.

5. APPROVAL TO NEGOTIATE CONTRACTS FOR TRANSIT SCHEDULING AND ROUTING SOFTWARE WITH SELECTED VENDORS

Finance Director Leslie Heidrick reported that Rowan Transit System had been selected by the State as the lead procuring agency for nineteen (19) other North Carolina transit providers to purchase Automated Demand Response Paratransit Scheduling and Routing Software. Ms. Heidrick said North Carolina was moving to a regional provision of service, as well as a statewide implementation of a 511 traveler information system. Upgrading the software of public transportation agencies in the State is part of the implementation and the project goals are to increase efficiency and grow the capacity of transportation systems statewide.

Ms. Heidrick reported that nine (9) Requests for Proposals (RFP) were distributed and the RFP was posted on two (2) websites. After due advertisement, proposals were received from five (5) vendors: Trapeze Software, HB Software Solutions (HBSS), RouteMatch Software, CTS Software and Mobilitat. A selection committee reviewed the proposals and it was the recommendation of the selection committee, Rowan Transit System and Finance Department that contracts be allowed to be negotiated with Trapeze Software, HBSS and RouteMatch Software to provide Automated Demand Response Paratransit Scheduling and Routing Software for Rowan Transit System and other participating agencies.

Commissioner Barber moved approval to negotiate contracts for transit scheduling and routing software with the selected vendors. The motion was seconded by Commissioner Coltrain and passed unanimously.

6. CONSIDER APPROVAL OF NEEDS ASSESSMENT STUDY FOR RADIO EQUIPMENT

County Manager Gary Page said the Rowan County Telecommunications Advisory Board (TAB) had been meeting to discuss ways to improve telecommunications amongst all emergency service agencies within the County. The TAB consisted of representatives from municipal police and fire agencies, EMS, 911, Sheriff's Department and other county representatives.

Mr. Page said there had been much discussion regarding the expenditure of \$12 million earmarked for improvements to telecommunications equipment and antennas. The major concern focused on how the funds would be spent.

The TAB recommended that Rowan County and the City of Salisbury (City) enter an agreement with a third party consultant to assist in determining the telecommunications needs through the development of a Strategic Communications Plan. The TAB met with the Computer Sciences Corporation to secure a proposal for developing and coordinating a county-wide plan. The cost estimate was \$46,240 and could be completed within three to four months. The City agreed to pay 50% of the cost, or \$23,120. The County's share could be

paid from the proceeds of the 1/4-cent sales tax that becomes effective July 1, 2010.

Commissioner Barber said a Resolution levying the 1/4-cent sales and use tax was approved on the Consent Agenda and the County could not start collecting the tax until July. Commissioner Barber said it appeared that the money for the project would have to be paid from this budget year from fund balance instead of funds generated from the sales and use tax.

Mr. Page said the funds would be paid back to the General Fund once the County monies were received from the 1/4-cent sales and use tax.

Commissioner Barber praised the work of the TAB and he moved to approve the needs assessment study for the radio equipment. The motion was seconded by Commissioner Coltrain.

Commissioner Hall asked if it was legal to use the 1/4-cent sales and use tax revenue to reimburse the fund balance. Mr. Page said the money would be fronted from the general fund in anticipation of reimbursing it later. Mr. Page said the budget amendments would have to be approved by the Board. Mr. Page said the funds were earmarked for radio equipment and towers and he did not foresee any question about using the money for a feasibility study.

Commissioner Hall asked if any government resources had been contacted to help with the study. Mr. Page said the North Carolina Association of County Commissioners (NCACC) was geared towards ordinances and lobbying for legislation. Mr. Page said he did not speak to Centralina because of recent action the Board took to withdraw its membership from the Centralina.

Commissioner Hall said the County was still a member of Centralina for six (6) months.

Mr. Page said he was unsure if there were any communication specialists with Centralina and that part of the reason the company was chosen for the study was due to their familiarity with the project. Mr. Page said \$46,000 was a lot of money; however, the study could help save down the line with the \$12 million project.

Commissioner Hall asked if Mr. Page had looked in Raleigh for anyone who knew how to do surveys and help assess the County's needs. Mr. Page responded that the County knew what equipment needed to be replaced. Mr. Page said the County needed to know where the towers would be located, who would obtain licenses for the frequency and which equipment would be compatible. Mr. Page said he did not contact Raleigh.

Commissioner Hall said she would like to know if there were agencies available to assist the County from state or regional levels before she could vote on the issue.

Chairman Ford asked if Mr. Page had received a timeline on when to start the project. Chairman Ford said the time of year had a strong effect on readings and he noted the best readings were done in winter months.

Chairman Ford agreed with Commissioner Hall on saving money but he also understood that the work may need to be done now. Chairman Ford said he would not be opposed to putting off the decision until the January 19, 2010 Commission Meeting.

Commissioner Mitchell said the approval of the study could be contingent on the County Manager finding assistance. Commissioner Mitchell suggested the Board give approval on the amount of \$23,120 and give the Manager instructions to see if other help was available.

Chairman Ford asked Commissioner Barber if he would amend his motion.

Commissioner Barber said he would amend his motion, and he commented that the TAB had spent a lot of time discussing the issue, and the City of Salisbury knew the capabilities of the consulting firm. Commissioner Barber said he supported the North Carolina Association of County Commissioners but was not sure about putting his confidence in the organization being able to provide such technical expertise.

Commissioner Barber said with those comments he would amend his motion to Commissioner Mitchell's suggestion.

Commissioner Hall asked if the Board could wait as a precaution for two (2) weeks until the next meeting in order to give the taxpayers' piece of mind. Commissioner Barber responded no. Commissioner Barber said the TAB had worked hard and he felt the Board was doing what was right for the taxpayers'. Commissioner Barber said he would amend his motion to say contingent on the County Manager seeking other assistance with the same level of expertise.

Commissioner Coltrain asked if Commissioner Barber was saying if the Manager explored other options and he did not find anything, the project would move forward. Commissioner Barber said if the Board voted yes then the project would move forward.

Commissioner Hall said the Manager would not be coming back before the Board to let the taxpayers know of the results. Commissioner Barber said the issue could be added to the agenda as an update.

Commissioner Coltrain called the question and upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Hall dissenting.

7. PROPOSED RELOCATION PLANS FOR TELECOMMUNICATIONS AND BOARD OF ELECTIONS STAFF

County Manager Gary Page said the Board had discussed the possibility of offering the Department of Social Services (DSS) building on West Innes Street to the Rowan-Salisbury Board of Education (BOE) for possible use as a central office. Mr. Page said the Board had asked him to determine if the offer would adversely affect county departments with the loss of potential office space.

Mr. Page discussed the benefits of moving the Telecommunications office to the DSS Mahaley Avenue site. Mr. Page also discussed the county's recent reorganization that had created additional storage space for use by the Board of Elections.

Mr. Page said the county warehouse would have to relocate in the next 4 to 5 years when the Airport Runway Extension Project began.

Mr. Page said offering the DSS building to the BOE would not have a detrimental effect on the space needs of county departments. Mr. Page said if the Board wished to make the offer to the BOE, the County would need to give Daymark Recovery Services sufficient notice (six months) to find alternative office space.

Commissioner Barber said the move for the 911 Center would be a "one-shot deal" and the County needed to make sure the move would accommodate the needs of the 911 Center for the next 15-20 years. Commissioner Barber asked if there was room at the Agricultural Center for the Emergency Services Department (EMS) and the 911 Center to coexist in the same building.

Mr. Page said the County also housed Environmental Management, the Cooperative Extension, and the Soil and Water Conservation offices at the Agricultural Center. Mr. Page said if 911 were moved to the building, another department would have to move out and sufficient space would have to be found for the displaced office.

Commissioner Barber said he would be interested in looking at what possibilities might exist to locate the 911 Center and EMS together.

Commissioner Coltrain pointed out the Agricultural building also housed the Extension Service, the USDA Farm Service Agency and Natural Resource Conservation. Commissioner Coltrain asked if there would be space for the 911 Center and EMS at the Mahaley building and Mr. Page responded no.

Commissioner Hall said the Board had a unique opportunity to offer space to the BOE to assist with a safety issue. Commissioner Hall recalled that at the Board's

2009 retreat Gene Miller, Assistant Superintendent for Operations, addressed the Board with the safety issues at the Long Street office. Commissioner Hall said the Long Street office safety was listed as the top capital project at that time. Commissioner Hall said during that presentation Mr. Miller said the BOE had “no where else to go”. Commissioner Hall said at the last Commission meeting it had been noted that the BOE was using 29,000 square feet at the Long Street Office, which possibly included the old gym.

Commissioner Hall said the Board could offer the DSS building to the BOE. Commissioner Hall said there were options at other schools for the BOE to utilize space available. Commissioner Hall said offering the building would provide a safe place for the BOE employees to go to. Commissioner Hall said due to the economy the County was unable to build a central office.

Commissioner Hall reviewed past retreats and Commission Meetings where the BOE had discussed capital needs, etc. Commissioner Hall said the DSS building would not answer the BOE request for consolidation but would be a step in the right direction.

Commissioner Hall moved to offer the DSS building when it becomes available on West Innes Street to the Rowan Salisbury School System (RSS) for the BOE to determine whether or not to accept the offer. Chairman Ford seconded the motion.

Commissioner Barber said he would not support the motion because a committee had been appointed consisting of staff from Rowan County, RSS and elected officials from the County Commission and the BOE. Commissioner Barber said he did not believe the committee had been disbanded. Commissioner Barber said before the Board offered an all or nothing scenario, the committee should get back together and discuss options.

Commissioner Barber said before the BOE could accept the building, a feasibility study would have to be done and he inquired as to who would pay for the study. Commissioner Barber said he did not want to see money spent until the committee was able to discuss the offer.

Chairman Ford said the committee came to an impasse and a compromise for a central office was unable to be reached. Chairman Ford said the economy had also played a role.

Commissioner Mitchell asked if the current offer was “on the table” at the time the committee had met and Chairman Ford said it had been mentioned.

Commissioner Mitchell said he would not mind the committee meeting to discuss what the costs would be for a feasibility study and for renovations to the DSS building. Commissioner Mitchell said he would like to see a plan as to how the

County would make up the \$130,000 it would lose by not renting the DSS facility to Daymark. Commissioner Mitchell said he would agree for the committee to meet to discuss options and for county staff to explore the potential revenue losses. Commissioner Mitchell expressed concern for Daymark to be able to find a place to continue to serve citizens.

Chairman Ford said he realized the DSS facility did not take care of the consolidation issue but it did get RSS staff within a $\frac{3}{4}$ mile of its other office. Chairman Ford said the offer also addressed the structural problems at Long Street. Chairman Ford said he did not have a problem talking to the BOE again and at the same time he did not want to lose the money from Daymark.

Commissioner Barber again stated his preference for the committee to get back together and he emphasized that time would be critical. Commissioner Barber said he received a letter from the Executive Director of Daymark and he had gotten the impression that Daymark was worried about relocation.

Commissioner Coltrain agreed with Commissioner Barber and said there was a timeframe at stake to ensure the citizens who received services from Daymark would continue to have services available.

Chairman Ford said he thought all of the RSS employees could fit at the DSS building and the BOE meetings could be held at a high school auditorium.

Commissioner Hall referred to the safety concerns that had been expressed for the Long Street office. She noted that a year had passed and the safety issue had not gone away. Commissioner Hall said the money was not available for a new central office due to the economy and the BOE no longer had the same revenue stream as a year ago. Commissioner Hall considered the offer as a step to help the BOE. Commissioner Hall said her motion still stood. Upon being put to a vote the motion failed 3-2 with Commissioners Mitchell, Barber and Coltrain dissenting.

Commissioner Mitchell moved to reestablish the committee that originally met with the BOE and if "they know something about West Innes that we don't, and they think it would meet their needs, that they be given the option to take us up on that without meeting with the committee." Commissioner Barber seconded and the motion passed unanimously.

Chairman Ford called for a recess at 5:37 pm.

Chairman Ford reconvened the meeting at 5:52 pm.

After the recess, Chairman Ford said the committee previously discussed consisted of himself and Commissioner Coltrain and would remain intact to meet with the Board of Education.

8. APPROVAL OF AGREEMENT WITH CITY OF KANNAPOLIS TO AWARD STADIUM DRIVE BRIDGE REPAIRS

County Manager Gary Page discussed a bridge failure at the Kannapolis Intimidator's Stadium Drive bridge. The bridge failure was the result of erosion of the stream banks adjacent to the bridge end supports. During the past year, the City of Kannapolis (City) and the County agreed to only open Stadium Drive for ballgames and car traffic. No truck or tractor trailer traffic or deliveries had been allowed on the road since August 2008.

Mr. Page reviewed the project estimate and said the proposed agreement called for the County to pay 25% of the total project cost of \$377,500, or \$94,375. The County's share of the project would be paid from the Sports Authority Fund balance. Mr. Page said the State would pay for 75% of the expenses. In the event the State cannot reimburse Kannapolis, there was verbiage inserted that the balance would be paid to the contractor from the Sports Authority Fund. If there were not enough funds to pay the contract from the Sports Authority Fund, the County and the City would split the expenses.

Mr. Page said the Intimidator's baseball season would begin on April 9, 2010 and if the Board were to approve the agreement, work should be completed by March 22, 2010.

Commissioner Mitchell noted there was a blank line in the document at least three (3) times followed by an escrow account and he said the formal title of the fund should be filled in. Mr. Page responded that it should be the Sports Authority Fund.

Commissioner Mitchell said the Manager's memo stated the County would pay 25% of the total cost but the document itself did not state that the County would be limited to 25%, or \$94,375.

Commissioner Mitchell moved that the Board direct the County Attorney to put in the Sports Authority Fund and to insert language limiting the County to 25%.

Mr. Page inquired if the motion meant the contract would not have to come back to the Board unless there was a problem and Commissioner Mitchell responded that was correct.

Commissioner Barber seconded the motion.

County Attorney Jay Dees asked for clarification in regards to "limited to". Mr. Dees said the match limited the County to 25% and Commissioner Mitchell said that was correct. Mr. Dees said that would not impact item 7.2 and Commissioner Mitchell said that was correct.

Commissioner Hall asked Commissioner Mitchell if he would accept clarification on the 25% that Rowan County was obligated to the 75-25 split as that was what the Sports Authority Fund was supposed to be.

Mr. Page said the County and City of Kannapolis were joint owners; however the ownership had never been resolved at a 50-50 or 75-25 split. Mr. Page explained the idea of paying the 25% match out of the Sports Authority Fund was to get around having to resolve the ownership issue. Mr. Page said the City had ownership to the Sports Authority Fund balance just as the County did. Mr. Page said the Fund was there for the stadium.

Commissioner Hall questioned the language of the agreement regarding ownership percentages. Mr. Dees said if the match came from the Sports Authority Fund, it came out in the percentages for which it was received. Mr. Dees said the split was set out 75-25 and he thought more recently there was a gentlemen's agreement that the ownership of the stadium was 75-25. Mr. Dees said while the issue was not yet formally resolved, it was at least committed to by Kannapolis. Mr. Dees suggested adding language to item 7.2 without affecting rights or claims as to ownership of the property or funds available.

Commissioner Mitchell said as the document was written, the County was being given a break. Commissioner Mitchell said if item 7.2 went into force, the County would be paying 50% rather than 75%. Commissioner Mitchell agreed that language should be inserted in item 7.2 to have no affect on ownership shares.

Commissioner Coltrain asked for confirmation of his understanding on the matter. Commissioner Coltrain said the County was paying 25% of the project cost from the Sports Authority Fund and the City had a commitment from the State of North Carolina to match 75% of the remaining costs to be paid from the Disaster Relief Fund. Commissioner Coltrain said the City was also paying 25% and Commissioner Mitchell responded that Commissioner Coltrain was correct.

Commissioner Mitchell said the motion included three items: 1) filling in the blank; 2) adding the 25% figure; and 3) he would like to add Commissioner Hall's idea regarding item 7.2 that the agreement would not affect any future negotiations on ownership.

Commissioner Hall asked if the motion was to approve the full contract and Commissioner Mitchell yielded to the Chairman to answer the question.

Chairman Ford said the Board would vote on the full contract.

Commissioner Barber agreed to accept the amendment.

Commissioner Hall pointed out several items before the vote. Commissioner Hall explained the Board had discussed the ballpark on January 5, 2009 and it was

estimated at that time the bridge repairs would be \$150,000-\$200,000.

Commissioner Hall said the City had been letting out the specifications for the design when the County had originally handled the design. Commissioner Hall asked if the County was turning the project back over to the City. Mr. Page said yes and said the City was also an owner and had the expertise to handle the repairs. Mr. Page said the City was the lead agency for obtaining the 75% reimbursement from the state.

Commissioner Hall asked if another design had been considered since the repair estimates had now increased. Mr. Page said to his knowledge the City was using the same design. Mr. Page discussed the damage to the bridge and the necessary repairs.

Commissioner Hall asked if there were any guarantees on the longevity of the repairs and Mr. Page said there was never a guarantee from an engineer for work of that nature.

Commissioner Hall read from previous minutes regarding Board discussion of the ownership/equity issue between the County and Kannapolis. Commissioner Hall said the minutes indicated that the County Manager would meet with Kannapolis staff without the presence of elected officials or attorneys and she asked if there had been any progress in the discussions. Commissioner Hall said to her knowledge there had not been a report back to the Board and she requested an update.

Mr. Page said he had met with City officials and team owners at least three (3) times since the 2009 retreat and each time the meetings became more cordial. Mr. Page felt one reason the meetings had improved was due to the Intimidators having their second best season overall. Mr. Page said it was the last year for the existing lease and there was every intention of "rolling it over". Mr. Page said as long as the team was doing well, the City seemed to agree with the 75-25 split.

Mr. Page said he did not have a final agreement to present to the Board at this time. Mr. Page said the last two (2) meetings with the City and the team was to offer full use of the stadium for the entire year, as opposed to April through September. Mr. Page said in exchange the County would receive a sum of money, approximately \$25,000 to \$50,000, paid to the Sports Authority Fund balance. Mr. Page said all other revenues would be retained by the team, and the team would incur the expenditures as well. Mr. Page said the final issue to resolve was how to deal with capital projects. Mr. Page said he had suggested that the team contribute \$25,000 to \$50,000 to the Sports Authority Fund balance that could be used towards improvements and the Board and City, as joint owners, would have to approve the capital improvements. Mr. Page said discussions had been congenial; however, he felt he did not yet have an agreement that "he could get three (3) votes for."

Mr. Page said his intentions were to bring something to the Board in February. Mr. Page said naming rights were still an issue to be resolved. Mr. Page said conceding the naming rights in the negotiations would allow for major improvements at the stadium.

Mr. Page said discussions had been preliminary and that he could work with the County Attorney and the Finance Director to get some form of proposal to the Board for consideration in February.

Commissioner Hall said it had been a year since the Board had made the equity agreement a priority. Mr. Page responded that the economy had forced other items to take precedence including budget cuts, employee furlough days, one-quarter cent sales tax, DSS renovations, reorganization, etc.

Commissioner Coltrain called the question.

Mr. Dees suggested that paragraph 7.1.2 should include language to indicate payments shall be paid first into the fund to reimburse fund disbursements, and then to the City and County in the percentages as listed in paragraph 7.2.

Commissioner Mitchell moved and Commissioner Barber seconded approval of the amendment as suggested by Mr. Dees.

Upon being put to a vote, the motion to approve the document passed unanimously.

8a. APPROVAL OF SALARY RANGE FOR ROWAN COUNTY SHERIFF

(Pulled from Consent Agenda for discussion)

Mr. Page said an issue developed when former Sheriff George Wilhelm took office in 1998 due to the position not being listed on the grade and step chart. Mr. Page said when Sheriff Wilhelm took office he had received the same salary as the previous sheriff. Mr. Page said the sheriff's position has since been listed as a Grade 40 with a salary range of \$71,696 - \$113,816. Mr. Page said the salary range determines how the filing fee is established.

Commissioner Hall said she researched the North Carolina General Statutes (NCGS) in regards to the matter and she deferred to County Attorney Jay Dees for his opinion.

Mr. Dees said Commissioner Hall had presented a modification to NCGS Chapter 153-48.2 that limits the Board's ability to set salaries for elected officers during election years. Mr. Dees explained in order to "fix" the salary, the Board would have to take action at least fourteen (14) days before the deadline for filing notice of candidacy for the office. Mr. Dees said action would be needed before February 26, 2010.

Commissioner Mitchell said the Board would not be changing the scale but creating awareness for those who run for Sheriff that they would be placed on the scale based on experience.

Mr. Page said the Board was setting the minimum salary and the salary would have to be in the budget ordinance adopted for 2010.

After a brief discussion, Commissioner Mitchell moved, Commissioner Barber seconded and the vote for approval of the salary range for the Rowan County Sheriff passed unanimously.

8b. ACCEPTANCE OF COUNTY MANAGER'S UPDATE ON PROPOSED JAIL ANNEX SITES

(Pulled from Consent Agenda)

County Manager, Gary Page, said the Jail Annex Committee (Committee) had met and discussed four (4) prospective sites for a new jail annex facility. Mr. Page said the Committee had eliminated the three (3) county-owned sites from consideration and had advised him to begin discussions with the owner of the fourth site located on Henderson Grove Church Road. Mr. Page explained he did not have a price for the site and that an appraisal and phase one evaluation study would be necessary to negotiate a sale or trade.

Mr. Page reported that an ad had been placed in the Salisbury Post soliciting additional sites for consideration.

Mr. Page discussed potential sites and said he would continue to evaluate the sites and come back to the Board for a decision in order to move on with an appraisal and phase one evaluation.

Mr. Page said he had placed the item on the consent agenda in order to provide the Board with an update and that he was not expecting any action at this time. Mr. Page said he would continue to review the sites and provide more information back to the Board.

Commissioner Mitchell recommended allowing the Manager to evaluate the second site and at the next meeting bring back information on both sites for a decision.

Commissioner Hall asked if there was any other interest other than the two (2) sites discussed. Mr. Page said he had been contacted by one (1) individual on Henderson Grove Church Road; however the owner backed away once he learned the site would be used for a jail. Mr. Page said another individual contacted him regarding six (6) acres on Statesville Boulevard but the site was not large enough. Mr. Page said as of today he had received four (4) calls.

Chairman Ford thanked Mr. Page and said the Board would look forward to an update at the January 19, 2010 meeting.

9. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Finance – The County received \$56,614.83 from the ABC Board as profit distributions. Sixty percent of the money received is paid to municipalities. The budget amendment is to budget the expenditures to the municipalities less the \$30,000 already budgeted - \$ \$3,969
- Emergency Services – Budget restricted funds through United Way donation by citizen for EMS equipment/services - \$77
- Sheriff's Office – Recognize \$670 donated to the Sheriff's Office Explorers and budget to proper expense account
- Health – For additional Random Moment Time Study Funds - \$21,478
- Health – To reconcile grant funding with previous year rollovers - \$25,000
- Sheriff's Office – Recognize excess revenue of \$728 in CRDE account and budget to proper account
- Sheriff's Office – Recognize \$100 donation from Ralph Ketner and budget to Community Relations Drug Education Account
- Sheriff's Office – Recognize revenue from donations and budget to proper expense account - \$510
- Sheriff's Office – Recognize Postal Money Order for \$48.31 and budget to Public Safety/Postage account
- Sheriff's Office – Recognize amount approved and awarded through Bullet Proof Vest Partnership Grant and budget to proper expense account - \$2,439
- Social Services – Revenues which are reduced due to cuts in state funding for the current fiscal year. Cuts are offset by some additional federal funds DSS will earn due to the American Recovery and Reinvestment Act and other changes. There is no impact on county funds - \$2,339

Commissioner Mitchell moved approval of the budget amendments. The motion was seconded by Commissioner Barber.

In response to a query from Commissioner Hall, Ms. Heidrick compared the ABC distributions to those of 2008.

Upon being put to a vote, the motion on the floor passed unanimously.

10. CONSIDER APPROVAL OF BOARD APPOINTMENTS

TOWN OF GRANITE QUARRY ZONING BOARD OF ADJUSTMENT

The Town of Granite Quarry recommended the reappointment of Albert McCracken and Ruth Corpening to serve as ETJ members. The terms would be for three (3) years beginning January 1, 2010 and expiring December 31, 2012.

Commissioner Mitchell nominated Albert McCracken and Ruth Corpening and the nomination passed unanimously.

JUVENILE CRIME PREVENTION COUNCIL (JCPC)

John Spidell submitted an application for reappointment. The term would be for two (2) years beginning February 1, 2010 and expiring June 30, 2012.

Commissioner Mitchell nominated John Spidell and the motion passed unanimously.

SALISBURY-ROWAN HUMAN RELATIONS COUNCIL (HRC)

The following applications were received to fill the two (2) vacancies left from the resignations of Jill Debose and Peggy Johnson:

- Terri Stevenson
- Jeffrey Cox

One term would expire October 31, 2011 and the other term would expire February 28, 2011.

Commissioner Mitchell nominated Terri Stevenson for the term ending October 31, 2011 and Jeffrey Cox for the term ending February 28, 2011. The nomination passed unanimously.

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Mitzi Crane's term ends January 31, 2010 and she did not wish to be reappointed.

Chairman Ford mentioned the need for members to serve on the committee and he encouraged citizens to apply.

11. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 6:44 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC
Clerk to the Board